



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**State Water Resources Control Board**  
Division of Drinking Water

September 2, 2016

Certified Mail  
7012 3460 0003 1112 8298

Tahoe Park Water Company – Skyland/Nielsen  
5000 Windplay Drive, Suite 4  
El Dorado Hills, CA 95762

TRANSMITTAL OF CITATION NO. 01-02-16(C)-024

Dear Mr. Dewante,

The State Water Resources Control Board (Water Board) Division of Drinking Water has issued the Tahoe Park Water Company a citation for the Skyland/Nielsen water system, which is attached.

If you have any questions regarding this matter, please contact Michael Burgess at (530) 224-6505 or me at (530) 224-4800.

A handwritten signature in black ink, reading "Michael J. McNamara".

Michael J. McNamara, P.E.  
Lassen District Engineer  
Drinking Water Field Operations Branch

Enclosure

cc: Richard Hinrichs, P.E., Chief – Northern California Section, DDW, Redding

KEC\3110049 Tahoe Park – Skyland/Nielsen \File: Enforcement

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

364 Knollcrest Drive, Suite 101, Redding, CA 96002 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

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**Attn:** Rick Dewante, Owner

**CITATION FOR VIOLATION OF CALIFORNIA CODE OF REGULATIONS,  
TITLE 22, SECTIONS 64426, and 64426.1  
WATER SYSTEM NO. 3110049  
C I T A T I O N   N O .   01-02-16(C)-024  
Issued on September 2, 2016**

Section 116650 of the California Health and Safety Code authorizes the issuance of a citation to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "Board"), acting by and through its Division of Drinking Water (hereinafter, "Division") and the Deputy Director for the Division (hereinafter, "Deputy Director"), hereby issues a citation to the Tahoe Park Water Company – Skyland/Nielsen (hereinafter, "Tahoe Park"), located on the

1 west shore of Lake Tahoe on the west side of Highway 89 between Sunnyside and  
2 Tahoe Pines, for violation of California Code of Regulations (CCR), Title 22, Sections  
3 64426, and 64426.1.

4  
5 **APPLICABLE AUTHORITIES**

6 **Section 116650 of California Health and Safety Code provides:**

7 (a) If the Division determines that a public water system is in violation of  
8 this chapter or any regulation, permit, standard, citation, or order issued or adopted  
9 thereunder, the Division may issue a citation to the public water system. The citation  
10 shall be served upon the public water system personally or by certified mail. Service  
11 shall be deemed effective as of the date of personal service or the date of receipt of  
12 the certified mail. If a person to whom a citation is directed refuses to accept delivery  
13 of the certified mail, the date of service shall be deemed to be the date of mailing.

14 (b) Each citation shall be in writing and shall describe the nature of the  
15 violation or violations, including a reference to the statutory provision, standard, order,  
16 citation, permit, or regulation alleged to have been violated.

17 (c) A citation may specify a date for elimination or correction of the  
18 condition constituting the violation.

19 (d) A citation may include the assessment of a penalty as specified in  
20 subdivision (e).

21 (e) The Division may assess a penalty in an amount not to exceed one  
22 thousand dollars (\$1,000) per day for each day that a violation occurred, and for  
23 each day that a violation continues to occur. A separate penalty may be assessed for  
24 each violation.

25  
26 **California Code of Regulations, Title 22, Section 64426, subsections (a) and (b),**  
27 **provides in relevant part:**



1 (a) Any of the following criteria shall indicate a possible rise in bacterial count:

2 (1) A system collecting at least 40 samples per month has a total  
3 coliform-positive routine sample followed by two total coliform-  
4 positive repeat samples in the repeat sample set;

5 (2) A system has a sample which is positive for fecal coliform or *E. coli*,  
6 or

7 (3) A system fails the total coliform Maximum Contaminant Level (MCL)  
8 as defined in Section 64426.1.

9 (b) When the coliform levels specified in subsection (a) are reached or  
10 exceeded, the water supplier shall:

11 (1) Contact the Division by the end of the day on which the system is  
12 notified of the test result or the system determines that it has  
13 exceeded the MCL, unless the notification or determination occurs  
14 after the Division office is closed, in which case the supplier shall  
15 notify the Division within 24 hours; and

16 (2) Submit to the Division information on the current status of the  
17 physical works and operating procedures which may have caused  
18 the elevated bacteriological findings, or any information on  
19 community illness suspected of being waterborne. This shall  
20 include, but not limited to:

- 21 a. Current operating procedures that are or could potentially be  
22 related to the increase in bacterial count;  
23 b. Any interruptions in the treatment process;  
24 c. System pressure loss to less than 5 psi;  
25 d. Vandalism and/or unauthorized access to facilities;  
26 e. Physical evidence indicating bacteriological contamination of  
27 facilities;



- f. Analytical results of any additional samples collected, including source samples;
- g. Community illness suspected of being waterborne; and
- h. Records of the investigation and any action taken.

**California Code of Regulations, Title 22, Section 64426.1, subsection (b) provides, in relevant part:**

(b) A public water system is in violation of the total coliform MCL [maximum contaminant level] when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

#### **STATEMENT OF FACTS**

The Tahoe Park Water Company operates a community water system serving a population of about 50 year-round residents on the West Shore of Lake Tahoe. The water system is currently served by a single well located in the Nielsen portion of the subdivision. Disinfection of the groundwater supply is not provided. The water system is served by two storage tanks, a 20,000-gallon redwood tank and a 60,000-gallon steel tank.



1 On July 21, 2016, the Division was notified that a routine bacteriological sample  
2 collected on July 18, 2016 showed the presence of total coliform bacteria and that two  
3 out of five repeat samples collected on July 20, 2016 showed the presence of total  
4 coliform bacteria. Total coliform positive samples were collected at "335 Elizabeth"  
5 and "355 Elizabeth". The spring source was absent of total coliform bacteria. Three  
6 additional repeat samples were collected on July 21, 2016, all of which were absent of  
7 total coliform bacteria.

8  
9 Tahoe Park was directed by email, on July 26, 2016, to conduct an assessment of the  
10 water system by no later than August 22, 2016. Tahoe Park submitted the completed  
11 assessment to the Division on August 15, 2016 concluding that the presence of total  
12 coliform in the distribution system may be a result of stagnant water and that the  
13 sample taps were not flushed thoroughly prior to sample collection.

14  
15 On August 16, 2016, Tahoe Park collected one routine bacteriological sample at the  
16 Skyland booster station (322 Elizabeth Drive), that was absent of total coliform  
17 bacteria. On August 17, 2016, Tahoe Park collected four additional bacteriological  
18 samples at "315 Leota", "310 Leota", "345 Elizabeth", and "355 Elizabeth". On August  
19 18, 2016, the Division was notified that two bacteriological samples collected at "355  
20 Elizabeth Drive" and "345 Elizabeth Drive", showed the presence of total coliform  
21 bacteria and *E. Coli* bacteria and a "boil water" advisory was issued. On August 19,  
22 2016, Tahoe Park discovered evidence of unidentified contamination floating in the  
23 redwood storage tank, disinfected the redwood storage tank, and collected additional  
24 bacteriological samples. These samples included a source water sample and four  
25 samples in the distribution system at "315 Leota", "355 Elizabeth", "315 Elizabeth",  
26 and "365 Elizabeth". All five of these samples were absent of total coliform bacteria;  
27 however a detectable quantity of free chlorine was observed at the time of sampling.



1 The Division was also notified, on August 19, 2016, that the laboratory results for  
2 samples collected on August 17, 2016 were reported in error, and that the samples  
3 collected at "355 Elizabeth Drive" and "345 Elizabeth Drive" showed the presence of  
4 total coliform bacteria but were absent of *E. Coli* bacteria. Tahoe Park collected five  
5 bacteriological samples on August 22, 2016 at the redwood storage tank, "365  
6 Elizabeth Drive", "315 Leota", "355 Elizabeth Drive", and "325 Elizabeth Drive", all of  
7 which were absent of total coliform bacteria. The "boil water" advisory was rescinded  
8 on August 23, 2016.

9  
10 Division staff also conducted an on-site assessment of the Tahoe Park water system  
11 on August 22, 2016, and identified that the redwood tank roof hatch was not sealed,  
12 the centrifugal pump exhibited a leak, and the sample collection taps may be capable  
13 of providing an entry point for bacterial growth.

#### 14 15 DETERMINATION

16 The Division has determined that the Tahoe Park Water Company violated Section  
17 64426.1, Title 22 of the CCR. Specifically, Tahoe Park exceeded the total coliform  
18 MCL during the months of July 2016 and August 2016.

#### 19 20 DIRECTIVES

21 Tahoe Park Water Company is hereby directed to take the following actions:

- 22
- 23 1. Comply with Sections 64426 and 64426.1, Title 22, of the CCR in all future  
24 monitoring periods.
  - 25 2. Complete and return Attachment 'B' entitled "Compliance Certification" by  
26 **October 15, 2016**. A copy of the "boil water advisory" used to provide public  
27 notification shall be attached to the form.



1 3. Correct, or provide a plan for correcting, the deficiencies specified in the  
2 attached Level 2 Assessment performed by the Division, and return a signed  
3 copy of the attached Level 2 Assessment **by October 5, 2016.**  
4

5 All documents required by this Citation shall be submitted to the Division to the  
6 following address:

7  
8 Michael J. McNamara, P. E.  
9 Lassen District Engineer  
10 State Water Resources Control Board  
11 Division of Drinking Water  
12 364 Knollcrest Drive, Suite 101  
13 Redding, CA 96002  
14 (530) 224-4800  
15

16 Nothing in this Citation relieves Tahoe Park of its obligation to meet the requirements  
17 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe Drinking  
18 Water Act), or any regulation, permit, standard or order issued or adopted thereunder.  
19

20 The Division reserves the right to make such modifications to this Citation, as it may  
21 deem necessary to protect public health and safety. Such modifications may be  
22 issued as amendments to this Citation and shall be effective upon issuance.  
23

#### 24 **PARTIES BOUND**

25 This Citation shall apply to and be binding upon Tahoe Park Water Company –  
26 Skyland/Nielsen, its officers, directors, shareholders, agents, employees, contractors,  
27 successors, and assignees.  
28

#### 29 **SEVERABILITY**



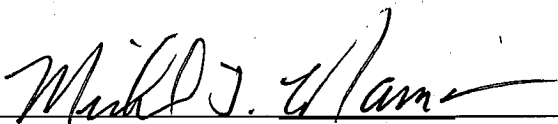
1 The Directives of this Citation are severable, and Tahoe Park shall comply with each  
2 and every provision thereof, notwithstanding the effectiveness of any other provision.

3  
4 **FURTHER ENFORCEMENT ACTION**

5 The California SDWA authorizes the Board to: issue a citation with assessment of  
6 administrative penalties to a public water system for violation or continued violation of  
7 the requirements of the California SDWA or any permit, regulation, or order issued or  
8 adopted thereunder including, but not limited to, failure to correct a violation identified  
9 in a citation or compliance order. The California SDWA also authorizes the Board to  
10 take action to suspend or revoke a permit that has been issued to a public water  
11 system if the system has violated applicable law or regulations or has failed to comply  
12 with an order of the Board; and to petition the superior court to take various  
13 enforcement measures against a public water system that has failed to comply with  
14 an order of the Board. The Board does not waive any further enforcement action by  
15 issuance of this citation.

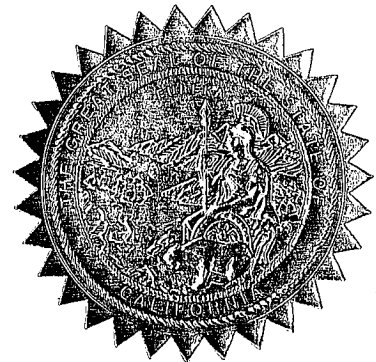
16  
17  
18 September 2, 2016

19 Date

  
Michael J. McNamara, Lassen District Engineer  
Northern California Section  
Division of Drinking Water  
State Water Resources Control Board

20  
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22  
23 Attachments:

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26 'A' Level 2 Site Assessment  
27 'B' Compliance Certification Form  
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## State Water Resources Control Board

Division of Drinking Water

### REVISED TOTAL COLIFOM RULE (RTCR) – LEVEL 2 ASSESSMENT

Due to two or more total coliform trigger exceedances in the last rolling 12 months, Division of Drinking Water staff must conduct an rTCR – Level 2 Assessment of your public drinking water system. This assessment is to identify potential reasons for the trigger exceedance.

**A responsible party for your water system must review and return a signed copy of this assessment to this office.**

Assessment conducted by: Michael T. Burgess, Sanitary Engineer

Water system name:	Tahoe Park – Skyland/Nielsen
Water system number:	3110049
Level 1 trigger dates:	7/21/16
Level 2 trigger dates:	8/18/16
Level 2 assessment date: site visit	8/22/16
Parties Present: Name/organization	Michael Burgess/DDW Rick Dewante/Tahoe Park Water Company

#### Description of Investigation

Interview with Rick Dewante on 8/18/16: Mr. Dewante reported no power outages or loss of pressure. He did report some floating debris in the redwood tank, which according to my inspection report and notes from both 2007 and 2015 was not connected to the system; however, at this time Mr. Dewante reported that it has been in service since its construction. He also reported that they had replaced approximately 60 feet of water main on Leota Way the prior week, disinfected the main, flushed it, and collected a bacteriological sample after placing it back in service. The special sample from Leota Way was reportedly total coliform positive. The main was flushed again and a second special sample was collected, which tested absent for total coliform bacteria.

My supervisor, Michael J. McNamara, P.E., reported to me that Mr. Dewante had told him that there may have been a decayed carcass of a small animal in the redwood tank.

Inspection with Rick Dewante on 8/22/16: Mr. Dewante described cleaning sediment from the bottom of the tank, scrubbing the tank floor and walls, and spraying approximately 3 quarts of 12.5% hypochlorite on the floor and walls prior to filling the tank. He then drained the chlorinated water from the tank, refilled the tank, and then drained it again before filling again and returning the tank to service.

The tank water was fairly clear at the time of the inspection and the tank floor and walls appeared clean with the wood grain obviously visible. I was uncertain about the structural integrity of the tank roof and only observed the apex vent from the location of the ladder at the tank hatch. The apex vent appeared to be screened with a fine mesh screening. The edge of the tank hatch opening extended above the roof surface to prevent runoff entering the tank from the roof; however, the hatch itself was flat with no gasket between the hatch and opening. The Company's steel tank featured a

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

screened apex vent and a "shoe-box" style roof hatch. The tank was constructed in 2007, and has reportedly not been cleaned since then. There appeared to be a thin layer of sediment covering the bottom of the tank, perhaps one-inch thick.

Water was observed leaking from the centrifugal pump used to supply water from the lower pressure zone to the upper pressure zone. This could potentially create a moist open environment for bacterial growth.

The Company relies on a single well source to meet all system demands. The well appeared to be in good condition with no visible openings in the casing. Mr. Dewante turned on the well at my request, and I did not feel or observe any air entering the well casing. The well sample tap is located in a dirty meter pit adjacent to the well which features a pitless adapter. There is a second small copper pipe entering the meter vault that at one time supplied water from the well to a pilot filter for the removal of CO<sub>2</sub>. The copper pipe was valved off and was taped over the end.

Review of sample results and sample sites: On July 21, 2016, Mr. Dewante reported a failure of the Total Coliform Rule when two of four repeat samples tested positive for total coliform following a total coliform positive result from a sample collected at the routine sample site on July 18. The well sample tested absent for total coliform bacteria and none of the samples tested positive for E. coli. Following hand dosing of the storage tanks with 12.5% sodium hypochlorite and flushing the distribution system, Mr. Dewante collected three additional samples from the distribution system, all of which tested absent for total coliform bacteria. On July 26, 2016, Mr. Dewante was directed to conduct an assessment of the water system for potential causes of the total coliform positive samples. The completed assessment, submitted to the Division of Drinking Water on August 15, 2016, identified a possible reason for the total coliform positive samples as the locations tested were seasonal homes and the water spigots had not been thoroughly flushed prior to sampling.

On August 18, 2016, Mr. Dewante reported that two of the four routine samples collected on August 17, had tested positive for E. coli. The two positive samples were collected from 355 Elizabeth Drive and 345 Elizabeth Drive. Following cleaning of the redwood storage tank, Mr. Dewante collected four samples from the distribution system and one sample from the well source on August 19, 2016. On August 19, 2016, it was also reported to the Division by the lab that the results for the samples collected on August 17, 2016, were incorrectly reported on August 18, and were not positive for E. coli, but only total coliform bacteria. All five samples collected on August 19, 2016, tested absent for total coliform bacteria; however, Mr. Dewante reported that there was still detectable free chlorine in the distribution system at the time of sampling. Five more samples collected on August 22, 2016, also tested absent for total coliform bacteria, and there was reportedly no detectable free chlorine in the distribution system. Mr. Dewante reported that all of the samples he collects from the distribution system are from freezeless taps.

**Deficiencies/Conclusions**

This assessment identified three potential causes for the total coliform positive samples:

- 1) The improperly constructed roof hatch on the redwood tank, which may have allowed a small animal to enter the tank and drown.
- 2) The leaking centrifugal pump could allow bacterial growth that could siphon into the impeller when the pump shuts down.
- 3) The use of "freezeless" taps for sample collection, as the design of the taps can lead to bacterial growth within the tap.

The above three deficiencies should be corrected prior to system's five routine samples in September.

SWRCB – Division of Drinking water representative:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Water system responsible party:

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**COMPLIANCE CERTIFICATION**Citation Number: **01-02-16(C)-024**Name of Water System: **Tahoe Park Water Company – Skyland/Nielsen**System Number: **3110049**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations (CCR) for the compliance period of July and August 2016. In addition, I certify that the Tahoe Park Water Company complied with the directives of this citation as indicated below:

<u>Required Action</u>	<u>Date Completed</u>
Boil Water Advisory to Customers	_____
_____	_____
Signature of Water System Representative	Date

**Attach a copy of the hand delivered, "boil water notice".**

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER  
THAN OCTOBER 15, 2016**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.